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2815

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Response under 37 C.F.R. § 1.116  
Expedited Procedure  
Examining Group 2815

PATENT  
ATTORNEY DOCKET NO. 041514-5103

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )

Shingo IWASAKI et al. )

Application No.: 09/753,722 )

Filed: January 4, 2001 )

For: ELECTRON-EMITTING DEVICE AND )  
METHOD OF MANUFACTURING THE )  
SAME AND DISPLAY APPARATUS )  
USING THE SAME )

Confirmation No. 2640

Group Art Unit: 2815

Examiner: B. Baumeister

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Commissioner for Patents  
Arlington, VA 22202

Sir:

RECEIVED  
MAY 27 2003  
TECHNOLOGY CENTER 2800

**AMENDMENT UNDER 37 C.F.R. § 1.116 TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the Final Office Action dated January 24, 2003 (Paper No. 14), the period for response having been extended through May 24, 2003 by a Petition for a one-month extension of time and fee.
2. Additional papers enclosed.

- [ ] Terminal Disclaimer
- [ ] Drawings: [ ] Formal [ ] Informal (Corrections)
- [ ] Information Disclosure Statement
- [ ] Form PTO-1449, \_\_\_ references included
- [ ] Citations
- [ ] Declaration of Biological Deposit
- [ ] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$205.00
<input type="checkbox"/> three months	\$ 930.00	\$465.00
<input type="checkbox"/> four months	\$1,450.00	\$725.00

Extension of time fee due with this request: \$ 110.00

If an additional extension of time is required, please consider this a Petition therefore.

☐ An extension for \_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	50	Minus	50	0	x \$18.00 each=	+ \$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	3	Minus	3	0	x \$84.00 each=	+ \$ 0.00
[ ] First presentation of Multiple dependent claim(s)					\$280.00	+ \$
SUB-TOTAL =						\$ 0.00
Reduction by 1/2 for filing by a small entity-						\$
TOTAL FEE =						\$ 0.00

6. Fee Payment

[ ] No fee is to be paid at this time.

[X] The Commissioner is hereby authorized to charge Deposit Account No. 50-0310 in the amount of \$110.00 for the one-month extension of time fee.

[X] The Commissioner is hereby authorized to charge any additional fees including fees due under 37 CFR §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 

Robert J. Goodell  
Reg. No. 41,040

Dated: May 22, 2003

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